



To: Martha's Vineyard Commission

From: Paul Foley, DRI Coordinator, Martha's Vineyard Commission

Date: Wednesday January 16, 2008

Re: 2007 Developments of Regional Impact

In 2007 the Martha's Vineyard Commission completed 27 projects under review as DRI's, Concurrence Reviews, Extensions, or aspects of an already approved plan to be approved by LUPC. Of the 27 projects the Commission reviewed 16 were approved with conditions (six of those being modifications to previously approved DRI's); 1 was a settlement to an old DRI that had been in litigation since 1998, it was approved with conditions; 0 were denied; 6 were remanded back to their town as Non-Concurrences; 1 was withdrawn; and 2 were granted extensions. In addition to these 27 projects there are 2 projects that were referred and reviewed but are currently on hold; and 5 that are still under review. The following list briefly describes the proposals from each town that were referred to the Martha's Vineyard Commission as Developments of Regional Impact in 2007.

### **MVC - DEVELOPMENTS OF REGIONAL IMPACT - Aquinnah 2007**

#### **DRI 606      Wampanoag Comm. Center      Approved W/Cond. - December 13, 2007**

This project was a proposal to complete a 6,176 square foot Wampanoag Community Center with a gymnasium, stage, locker rooms, and kitchen. Future plans are to add a daycare, elder center, class room, and possibly a campground and ball field. Work includes an improved access road, parking, and landscaping. Other than permitting that is now required due to an agreement between the Tribe and the Town the project is waiting for funding for an HVAC system. The facility would be operated as a gathering place for the Tribe and Town and would occasionally host functions such as weddings and pow-wows.

The Martha's Vineyard Commission approved the project with the following conditions: an Operation and Maintenance Plan for the StormTreat storm water treatment system will be submitted to the MVC; all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping; all exterior lighting shall be downward shielded to prevent direct light from spilling off the property; the ground lighting can be solar or low voltage conventional lighting; building lights and pole lights shall be turned off within an hour after the building is closed and security lighting shall be motion sensitive. Should the applicant substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration. The modification of the doors and windows or the addition of solar panels or solar equipment are permitted, without the Applicant having to return to the MVC for further review.

### **MVC - DEVELOPMENTS OF REGIONAL IMPACT - Chilmark 2007**

#### **DRI 597      Middle Line Housing      Approved with Conditions      July 5, 2007**

This project was a proposal to create a 9-building, 12-unit affordable housing complex on a 20-acre site in Chilmark. 6-units would be residential home sites (at 125% of AMI) and 6-units are proposed to be rentals (below 85% of AMI) managed by an independent agency. All would be permanently restricted to be affordable. There are some distinctive resources on the property and the Town has said they would place a Conservation Restriction on the beech grove and the clay pits. The duplexes would have two 1-br, two 2-br,

and two 3-br units. The houses on the 6 homesite lots would be built by the owners and allowed up to 4-brs. The Town will retain ownership of the entire 21.4 acre parcel.

The Martha's Vineyard Commission approved the project with the following conditions: following approval by the Chilmark Planning Board of the Form B subdivision plan, the Town will submit a Form C subdivision plan to the Planning Board for transmittal to the Commission for review and approval, which plan, among other items, will include the road access, house siting, setbacks, revisions to the intersection of Middle Line Road and Tabor House Road in order to improve sight lines, the location of turnouts along Middle Line Road, final delineation of cut zones, the location of septic systems, lawn areas, access and other fire safety issues, rental guidelines, a landscaping plan, and an open space plan. All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping. All plantings shall be non-invasive species and shall include native species and use best management practices. The Town agrees to allow no more than a total of 27,000 sq. ft. of "lawn area" within the 21-acre proposal (average of 3,000 sq. ft. per building). It will be fertilized no more than three times per year. Any security lighting will be motion sensitive and all exterior lighting will be downward shielded to prevent direct light from escaping the property. At least 1/3 of all dwellings (4) will be devoted to qualified recipients earning up to 100 % of the Dukes County Median Income with the balance of the available dwellings will be devoted to qualified recipients earning up to 150 % of the Dukes County Median Income. As with the Form B design, the Form C plan will meet all of the Commonwealth's and Town's wastewater regulations. The project shall be developed in such a way as to retain 70-80 percent of Open Space with native species. There may be some areas within open space that will be preserved as a meadow – to provide a more varied natural habitat. All significant landscape features such as clay pits and ancient ways will be protected with a minimum 50-foot no cut buffer with the exception that the access road into the subdivision will cross Holman Road once. The Town shall cap the total number of dwelling units on the property at 12. Any major changes to this plan will be submitted to the Natural Heritage and Endangered Species Program (NHESP) for further review. The Applicant shall apply for LEED certification and shall seek the highest possible rating. The Applicant shall apply for a Cape Light Compact grant for energy improvements and shall use any grant that is awarded to upgrade the energy efficiency, and/or to install renewable energy sources on the rental units. The Form C subdivision that the Town will submit to the MVC will improve sightlines of the intersection of Tabor House Road and Middle Line Road and the access plan to the Middle Line subdivision will indicate the location of the turnouts on Middle Line Road. The Town will have an intensive (locational) archaeological survey (950 CMR 70) conducted by a Massachusetts Historical Commission approved archaeologist before the Form C Submission is submitted for review. If the archaeological survey indicates that there is significant archeological potential, then the Form C application to the Commission shall include the proviso, that the Tribe be notified one week in advance of any excavation and will be allowed to witness it. The Applicant shall consider providing for universal access to all rental units and shall report its findings in the application for approval of the "Form C" Definitive Subdivision Plan. The Applicant shall report the LEED (Leadership in Energy and Environmental Design) level achieved to the Martha's Vineyard Commission. The Applicant shall consider requiring the owner of the residential homesite units to meet more stringent energy codes with rapid paybacks and shall report back on this issue.

The Applicant shall assure perpetual public access to Holman Road as a walking path. As offered by the Applicant, should the project have major alterations to the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alterations.

**DRI 198-M Murphy/Land Bank****Remanded****September 6, 2007**

This project was a proposal to subdivide a 12.5-acre lot resulting in a 1.5-acre house lot around the existing buildings and an approximately 11-acre agricultural/conservation lot to be owned by the Martha's Vineyard Land Bank. The Land Bank will lease the field for agricultural uses and will honor the current lessee (a sheep farmer). The Land Bank will also incorporate the property into a trail network with future connections to nearby properties. The existing property straddles the West Tisbury and Chilmark Town lines. The only physical change would be the realignment of the entry road and a possible fence along the future trail. On Thursday September 6, 2007 the Martha's Vineyard Commission voted that the proposed modifications were not significant enough to warrant a public hearing and voted not to concur with the referral.

**MVC - DEVELOPMENTS OF REGIONAL IMPACT – Edgartown 2007****DRI 601****Karakul/Cannada****Approved with Conditions****April 5, 2007**

This project was a proposal to move or demolish an existing house located at 15 North Summer Street (single family residence with a separate office) and construct a mixed-use project consisting of three detached two-bedroom cottage units and two detached commercial units with one-bedroom affordable housing apartments on the second floor. The cottages will be sold as condominium units. The existing building will be offered to affordable housing groups but is likely to be demolished due to the location. The two proposed mixed-use buildings would have 304 sf of retail each, 610 of residential each, and 220 sf of garage each (2,268 sf). The three two-bedroom cottages would have 1,212 sf in Cottage A, 1,290 sf in Cottage B, and 1,352 sf in Cottage C (3,854 sf). Total sf equals (2,268+3854) 6,122.

The Martha's Vineyard Commission approved the project with the following conditions: The project developers will contribute \$5,000 to the Town of Edgartown in lieu of preparing a traffic study; the Applicants will donate or sell the two one-bedroom units at or below their construction costs to the Island Housing Trust Corporation on the condition that the Trust will use the units to provide affordable housing in perpetuity according to its charter; the project will be designed to exceed the Massachusetts Energy Code in every way. Mechanical equipment will have AFUE 90% efficiency or greater and the insulation package will exceed the State regulations by 20-25%; the project will be framed, sheathed and finished with renewable energy materials. Quality energy efficient construction materials and techniques will be incorporated throughout. All construction debris will be recycled.

**DRI 551-M3****B.A.D.D.****Modification Approved****May 31, 2007**

On May 31, 2007 the Martha's Vineyard Commission voted to approve a proposed change to DRI 551 (B.A.D.D. Co.) to amend the Written Decision for DRI 551-M by replacing Conditions 1.5 and 1.6 to "Total sewage flow shall not exceed 12,100 gallons per day (110 Bedrooms), 10 lots with 5 bedrooms and 15 lots with 4 bedrooms". Currently the subdivision is limited to a maximum of 4 bedrooms per house lot. The Applicants are asking for the same number of bedrooms they were approved for in 2002 with a 32-lot subdivision for a revised subdivision of 25 lots and a private health club. The Commissioners voted that the proposed change to allow ten lots with five bedrooms and fifteen lots with four bedrooms with the provision that the project not go over the approved wastewater flow

**DRI 604 44 North Water Street****Approved with Conditions****July 5, 2007**

This project was a proposal to subdivide the Shiretown Inn property on North Water Street and Simpson's Lane (Map 20D Lots 220 & 221) into seven ANR (Approval Not Required) lots. The Form A plan divides the land into 7 lots, each meeting minimum lot size and frontage requirements. No work or change of use is

proposed by the applicants. The main buildings of the Shiretown Inn remain. The Hideaway Pub, Ciao Bella Restaurant, and a long series of motel rooms that were formerly a garage built in 1918 were demolished (there were 8,306 sf in the entire structure that was demolished). The demolition should have been referred because it was a demolition of over 2,000 square feet in a commercial district. Therefore, the demolition was also reviewed. Five of the proposed seven lots have buildings on them leaving only two empty lots.

The Martha's Vineyard Commission approved the project with the following conditions: This approval applies to all the lots shown on the Plan, whether separately or jointly owned, by the present applicant or any future owner(s). This approval allows the following uses of the lots and land on the Plan without further action (referral to, or modification of approval), by the MVC: Changes to the lot lines on the Plan which do not (i) change the number of lots, or (ii) change the size of any lot by more than 10% or reduce any lot to less than 5,000 square feet, or (iii) change the curb cuts to lots to the number (three on Simpson's Lane and one on North Summer Street) shown on the Plan; Construction of bars and/or restaurants, totaling in the aggregate, no more than 4,500 square feet on Lots 4,5,6 and 7 or any combination of those lots; Construction of no more than 54 bedrooms in inns, hotels, or lodging houses on any of the lots, or any combination of lots, on the Plan; Construction of single-family houses on any lot, including usual and permitted accessory structures, except that the proposed construction of a guesthouse on any lot must be referred to the MVC; Construction by one owner (including affiliates) of one development encompassing all seven lots of either (1) multiple housing units with no more than 54 bedrooms or (2) a combination of hotel/inn and housing unit uses having no more than 54 bedrooms. Any changes to the Plan, or construction or development proposed on the property, not otherwise excluded from further action (referral to, or modification of approval) by the MVC by this decision, shall be required to be referred to the MVC for consideration of modification of this DRI approval; this includes, but is not limited to other business or commercial uses of any size, other changes to lot lines or curb cuts, and guesthouses. If the Applicant wishes to convey all the land on the Plan, undivided, he may ask the MVC for a modification of the DRI, to be accompanied by a formal written surrender and cancellation of the present Plan in recordable form, to be effective upon recording of a modified DRI decision. The DRI decision for this Plan could then be modified by the MVC pursuant to a decision recorded in the Registry together with the original of the surrender of rights, such that neither the present Plan nor the original, present, DRI decision would have any further force or effect. At the earliest of (a) the time of the conveyance of each lot, or of one or more lots (i.e., recording of the deed) or (b) issuance of a building permit for each of the seven lots, a payment of \$9000 per lot (for a total of \$63,000 for all seven lots) shall be due and payable by owner or his successor(s) to the Dukes County affordable housing entity designated by the MVC. This payment shall constitute full satisfaction of any affordable housing requirement with respect to any commercial development on the lots. Upon proof of such payment, the Commission shall issue a certificate of compliance with this Decision; applicable to the specific lot or lots with respect to which such payment has been made. Each such buyer, including any successors in interest to such buyer, will be subject to, and solely responsible for meeting any applicable legal requirements (including referral under the DRI checklist) relating to the MVC, if any, based solely on the actual development proposed by such new owner for his/her lot, and without regard to what other buyers may be proposing as development on their lots; notwithstanding the foregoing, if a development with multiple housing units is referred to the MVC under the DRI Checklist guidelines because any one owner or entity having common ownership or control of such lots proposes to create 10 or more dwelling units on some combination of such lots, then with respect to affordable housing, that owner will be required to dedicate one unit to an Island affordable housing organization for each 10 units created (per 2007 MVC Affordable Housing Policy). In particular, the municipality's decision whether to refer such proposed development to the MVC shall be based on whether the proposed development meets the standards requiring referral under the DRI checklist then in force. As a further affordable housing commitment, no

building now standing on the site shall be demolished or moved off the site unless first offered to an appropriate agency as a donation for affordable housing off-site.

**DRI 296-M3 Swan Neck**

**Modification Approved**

**July 18, 2007**

On Thursday July 19, 2007 the Martha's Vineyard Commission decided that the proposed modifications to DRI 296 are not significant enough to warrant a public hearing and voted not to concur that the proposal to shift the lot line between lots 4 and 5 so that the existing barn and garage are on the same lot as the existing house is a Development of Regional Impact. The proposal will result in Lot 5 increasing in size from 24.6 acres to 25.6 acres and Lot 4 will go from being 10.4 acres to 9.4 acres.

**DRI 577-M Morgan Wood**

**Modifications Approved November 1, 2007**

On Thursday November 1, 2007 the Martha's Vineyard Commission voted that the discrepancies between the approved plan for Pennywise Path Affordable Housing (DRI 577) and the as-built project (Morgan Wood) were not significant enough to warrant a Public Hearing as a Development of Regional Impact. This project was a proposal to correct discrepancies between the approved DRI plan and what was built. The Community Builders (TCB) asked the MVC to modify the DRI Decision with regard to 4 issues. The issues were:

Inconsistency between the approved site plan and the wording in Condition 3.1.; the Community Builders moved Building Number 8 to a different location on the site; The As-Built building footprints of the rest of the complex had been adjusted to accommodate A.D.A. compliance issues; and inconsistency with Condition 7.1 which stated that "As offered by the Applicant, the existing trees in the common area at the center of each cluster shall be preserved..." The Community Builders found during construction that preservation of the trees in the three common areas was not viable. As mitigation for these discrepancies TCB is offering to make the Pennywise Path buffer area a no-cut area for a distance of 60 feet from Pennywise Path.

**484-M5 Vineyard Golf**

**Currently Under Review**

Vineyard Golf (DRI 484) would like to modify their DRI Decision so that Condition 1a reads: "to allow the construction of nine (9) houses for members" rather than the current Condition 1a that reads: "That should there be any housing to be provided upon the golf course parcel, then said housing should be for the purposes of providing housing for the golf course employee/staff/help". The nine lots for member houses would be on a long term lease and the Club would retain ownership of the land and control of regulation. The houses would be owned by members only and be limited to 4 bedrooms each and a maximum of 5000 square feet. The access road already exists and one house for the caretaker exists on the lot. The Club also wants to add one more house for staff and a bathroom on the course that would be hooked up to the sewer.

**MVC - DEVELOPMENTS OF REGIONAL IMPACT – Oak Bluffs 2007**

**DRI 309-M Balance**

**Non-Concurrence**

**January 11, 2007**

On January 11, 2007 the Martha's Vineyard Commission voted that the proposal to place balance restaurant in half of the ground floor (3,400 sf) of the building at 9 Oak Bluffs avenue in downtown Oak Bluffs was not a Development of Regional Impact (DRI). The proposal was to create a 90 seat restaurant that would also be a 150-seat function hall in the shoulder seasons. The Commissioner's were satisfied that their concerns with parking issues in downtown Oak Bluffs had been addressed by the applicant's proposals. They propose to provide employees with Vineyard Transit Authority (VTA) passes; they have made an arrangement with a local taxi company to provide rides to employees for a fixed rate to a park and ride parking lot; they have secured ten spots at Budget Rental Cars specifically for balance restaurant parking in the evening; and they will pay into the Oak Bluffs Parking Mitigation Fund. The applicant's have also created a marketing plan to give customers who provide a Martha's Vineyard Taxi receipt with a DRI Annual Report 2007

complimentary dessert. Finally, they will arrange for shuttles and/or taxis to shuttle guests to and from the establishment for functions. The MVC was also satisfied that concerns about noise had been addressed with a vestibule in front, limited access to the rear, a promise to not dump bottles at night and to coordinate trash and recycling pickups with neighbors. Based upon these proposals as part of the plan the commission decided not to review the project as a DRI. If the establishment should not carry through with these mitigation measures then the project should be re-referred to the MVC for DRI review.

#### **DRI 324-M Hospital**

#### **Requirements for C.O.**

**May 31, 2007**

On June 6, 2007 the Martha's Vineyard Commission approved a Certificate of Compliance for the Martha's Vineyard Hospital regarding the plans that the DRI 324-M Decision required to be sent to the Martha's Vineyard Commission (MVC) Land Use Planning Committee (LUPC) and the Full Commission for review and approval prior to the issuance of a Building Permit. On Monday May 14, 2007 the LUPC voted to approve the Waste Stream management Plan, the Stormwater Management Plan, the Sedimentation and Erosion Control Plan, and the Lighting Plan. On Thursday May 31, 2007 the full Commission reviewed and voted to approve the Exterior Architectural Plans. Thus, the Hospital has fulfilled the requirements of the MVC DRI 324-M Decision to obtain a Building Permit. A final landscape plan for each area of the site must still be reviewed and approved by the Full Commission before those areas are landscaped. Additionally, the Hospital must provide additional parking for at least 60 cars, either on or off site, before the issuance of a Certificate of Occupancy.

#### **DRI 600 YMCA**

#### **Approved with Conditions**

**September 6, 2007**

This project was a proposal to construct a 35,000 square foot recreational facility with a pool, teen center, family programs, and eventually a gymnasium. The site occupies 5 acres within a larger 25.2 acre property owned the High School also occupied by MV Community Services and the Skate Park. The YMCA will be leasing the land from the High School in exchange for pool time for a High School Swim Team.

The Martha's Vineyard Commission approved the project with the following conditions: The YMCA of Martha's Vineyard shall join the High School in a joint wastewater treatment solution for both buildings. The YMCA of Martha's Vineyard shall pay a share of the cost of construction and operation of the joint wastewater treatment solution equal to its share of the combined High School / YMCA flow, with a minimum of 10%. The YMCA of Martha's Vineyard will include one bio-retention basin and bio-retention swales on the site (as shown on the July 18 plan). The YMCA of Martha's Vineyard will submit an operations and maintenance plan to the LUPC for review and approval for the stormwater system including bio-retention swales and basins, catch basins, and downstream defender treatment units. The final Stormwater Management Plan shall be submitted and is subject to review by staff and approval of the LUPC prior to construction. The YMCA of Martha's Vineyard shall make a contribution of \$7,100 a year for ten years to the Dukes County Regional Housing Authorities Rental Conversion Program to be specifically limited to eligible YMCA employees. The YMCA of Martha's Vineyard shall provide a minimum of \$80,000 a year for subsidized memberships to Island families that qualify or are likely to qualify for affordable housing. The YMCA of Martha's Vineyard shall consider creating staff housing in phase 2. A final landscaping plan, including an implementation timetable, showing plant species and locations shall be submitted for the review and approval of LUPC before construction begins. All landscaping plans shall use best management practices. All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping. The YMCA of Martha's Vineyard will not be using Town water for outdoor landscape use, only collected and recycled rainwater. Any landscape lighting shall extend no more than four (4) feet above the ground. Any security lighting shall be motion sensitive. All exterior lighting shall be downward shielded to prevent direct

light from escaping the property. The only lighting that shall be allowed is that required by code and it shall be either motion-sensitive or on timers to ensure that they are turned off during the day as well as turned off during the night when the building is not occupied. Any lighting mounted on the sides of buildings facing or perpendicular to the habitat for rare and endangered species shall be shielded to shine down only, preventing any spillage in a horizontal direction, and shall use yellow "bug light" bulbs. There shall be no sodium vapor lights and bug zappers shall be prohibited. Recycling bins shall be in use and emptied regularly. All kitchen oil shall be recycled and given to an Island supplier of bio-diesel willing to come and pick it up. The project shall be developed in such a way as to retain at least 45% in Open Space. The YMCA of Martha's Vineyard shall maintain a no-build zone in the rear of the YMCA property as shown on the plan. The YMCA of Martha's Vineyard has filed with MESA and shall comply with the final negotiated plan with NHESP. The YMCA shall permanently protect habitat within the leased YMCA property but outside the proposed limit of work by placing a Conservation Restriction approved by the NHESP and agreed to by the Martha's Vineyard Regional High School. This Conservation Restriction must be in place at the time the Certificate of Occupancy is issued. The YMCA of Martha's Vineyard is committing to achieve initiatives that would gain LEED (Leadership in Energy and Environmental Design) Certification with a higher goal of Silver Certification. The YMCA of Martha's Vineyard shall design the building structure and systems to accept the installation of solar panels on the roof for domestic hot water and/or for electrical generation. The YMCA shall install these panels in the future if and when funding is available. The YMCA of Martha's Vineyard shall conduct a sensitivity analysis of their geothermal cost comparison study to ensure that the YMCA's final decision is based on full and accurate information. The YMCA of Martha's Vineyard shall create 57 new spaces on the Y property subject to MESA approval. There shall be a minimum of 50 shared parking spaces at the rear of the MV Arena available to the YMCA, especially for special events. The YMCA of Martha's Vineyard shall landscape the 22 spaces adjacent to the YMCA property on the Arena Property according to the plan, as well as the landscape screening, subject to the approval of the MV Arena and all permitting authorities. Raised internal crosswalks shall be incorporated in two locations as noted on the Campus Plan drawing, to be located at the walkway from the YMCA front door and at the crosswalk in the shared YMCA/Arena access drive. A dedicated bus drop off and shelter shall be located on the west end of the drive in front of the YMCA. The YMCA shall participate in the design and construction of two crosswalks across Edgartown-Vineyard Haven Road and will contribute \$10,000 minimum to this work. If there is an agreement between the VTA and others to move the bus stop now in front of the Skate Park on Edgartown Vineyard Haven Road closer to Woodside Village Road, the YMCA shall contribute \$5,000 towards relocation of the stop and landscaping in front of the Skate Park. The YMCA shall carry out an informational campaign promoting the use of buses to their employees and members. The construction managers for the YMCA shall coordinate heavy load deliveries with construction managers from the MV Hospital and the Beach Road drawbridge projects to minimize traffic impacts and shall keep town officials informed. The existing path connecting to the Old Holmes Hole Road shall be maintained as is, providing access by foot and bicycle through the YMCA site. The YMCA of Martha's Vineyard is committed to buying local products whenever possible but realizes that some items like commercial pool supplies and equipment may not be available on the Island. The Y is committed to providing qualified Island-based subcontractors the opportunity to bid on the project. The YMCA of Martha's Vineyard shall make every effort to find a membership level that is affordable to individuals and families. The pool water shall be treated with Miox (a water purifying system that uses salt electrolysis to create mixed oxidants and chlorine (HOCL) to treat pool water.) Final architectural details shall be submitted for the review and approval of the LUPC before a Building Permit will be issued. Should the applicant, substantially alter the use of the premises from the proposed uses, it shall return to the Martha's Vineyard Commission to request approval of these changes. The Executive Director of the Martha's Vineyard Commission may issue Certificates of Compliance, which shall be conclusive evidence of the satisfaction of the Conditions recited herein.

**DRI 596      Oyster Bar      Currently on Hold**

This project is a proposal to demolish most of the existing Oyster Bar building and build a three-story building plus a basement. They will be salvaging and reinstalling some of the most significant features of the existing restaurant including the large Doric columns, textured ceiling, and the bar. The last plan reviewed was to build a three-story building with a renovated Oyster Bar & Grille restaurant on the ground floor and 8 apartments above. There would be six 2-bedroom apartments and two 1-bedroom apartments one of which might be an office. Two apartments would be for staff and one apartment would be for someone earning 80% AMI. The other apartments would be market rate. The Applicants intend to make this a 'green' building with geo-thermal HVAC in the basement to minimize noise to the neighbors. They intend to create a 6-8 foot alleyway in the rear of the building and step the second and third floor back as requested in the MVCMA letter of May 14. The proposed function hall was dropped from the plan.

**DRI 603      Nova Vida      Currently Under Review**

This project is a proposal to locate a 150-seat church in a building that will also be housing a 28 child daycare, and a community center in the basement. The site is 62,715sq ft on the Vineyard Haven Edgartown road. The Church is proposing reorganizing the spaces used in the existing building. The new organization will consist of: a Sanctuary on the 2<sup>nd</sup> floor with a footprint of 2560 sq. ft.; a Community Center in the basement with a foot print of 2560 sq. ft.; and the existing Hospital Day Care on the First Floor with an office. The building is also required to have a new entry with barrier free access to all floors (elevator).

**DRI 605      Veira Park Baseball      Currently on Hold**

This project is a proposal to add another baseball field to Veira Park with batting cages, play area, new dugouts, viewing stands, picnic area, fences, and parking. The entire Park would have a split-rail fence along the edge to separate the Park from the expanded parking. The field would have a 12-foot high chain link fence to first and third base and then a 4-foot high chain link fence beyond that (similar to the existing field). The outfield fence would be a temporary fence that would come down after the season. The fence would skirt several mature oak trees and require significant pruning. Two smaller trees would be relocated. The proponents have taken plans for a concession stand and bathrooms out of the proposal. The Little League season starts in mid-April and runs through the end of June with All-Star and tournaments through the summer. The new field would be for the Minor League which now plays in West Tisbury.

**DRI 607      Moujabber Addition      Currently Under Review**

This project is a proposal to build an addition to an existing house. In 2004 the applicant applied for a building permit to replace an existing, single-story, 240-square-foot garage. The structure he erected is three stories tall with sliding glass doors, cantilevered balconies, and a flat roof. In May 2004 the then Building Inspector revoked the building permit. Mr. Moujabber appealed the decision to the Oak Bluffs Zoning Board of Appeals. The ZBA then voted to uphold the revocation. Mr. Moujabber appealed that decision. In November 2004 The Copeland District Review Committee denied a request from Mr. Moujabber for a Certificate of Appropriateness to move the garage and attach it to the existing house. Two weeks later the Building Inspector ordered the garage demolished. Mr. Moujabber appealed both the Copeland District Review Board's decision and the demolition order to the ZBA. In December 2004 Mr. Moujabber submitted a second application for Certificate of Appropriateness with revised plans. In April 2005 the Copeland District denied the second (revised) plan. In May 2005 Mr. Moujabber appealed the second Copeland District Review Board denial. In February 2006, before Superior Court, Mr. Moujabber accepted the building inspector's decision to revoke his building permit. In August 7, 2007 The Superior Court supported part of the ZBA's position, but vacated the demolition permit on the grounds that the committee had not



provided adequate guidance to the applicant as to what was needed to make the building acceptable. The Court remanded the second application (December 2004 Application) back to the town. The Town subsequently referred to the MVC for DRI Review on September 13, 2007. At the Staff/Applicant meeting the applicant said that they do not expect to build the 2004 proposal exactly but would like to ascertain what type and size of addition would be acceptable with respect to zoning, to the Copeland District Review Committee, the Cottage City Historic District Commission, and the MVC. In November 2007 the MVC voted to accept the Discretionary Referral. In December 2007 Mr. Moujabber sued the Martha's Vineyard Commission for accepting the Discretionary Referral but is going through the DRI Process at the same time.

**DRI 610      Church of JC of LDS      Currently Under Review**

This project is a proposal by the Church of Jesus Christ of Latter Day Saints to construct a 4,668 square foot church (phase 1) on Edgartown-Vineyard Haven Road next to the High School.

**MVC - DEVELOPMENTS OF REGIONAL IMPACT - TISBURY 2007**

**DRI 578      DCSB      Extension      February 1, 2007**

On February 1, 2007 the Martha's Vineyard Commission voted to extend the "sunset clause" by two more years for DRI 578. This allows the Dukes County Savings Bank until February 1, 2009 to begin substantial work on their proposed project to construct a 15,000 ft<sup>2</sup> building to house back offices and a small branch office and build a smaller 4,000 ft<sup>2</sup> building for a day care facility for 20 children at Nobnocket.

**DRI 550-M      Mansion House      Remanded      February 15, 2007**

On Thursday February 15, 2007 the Martha's Vineyard Commission decided that the proposed modifications to DRI 550 were not significant enough to warrant a public hearing and voted not to concur that the proposal to convert 8 existing two-bedroom suites with kitchens into 16 one-bedroom guest rooms is a Development of Regional Impact. The proposal does not increase the number of bedrooms or the footprint though it does result in an increase of 8 bathrooms. The proposal also includes the addition of a skylight in room 410, a new wall in room 212, and the addition of a lift to make the rooftop deck A.D.A. accessible.

**DRI 602      VHYC      Approved with Conditions      June 7, 2007**

This project was a proposal to demolish the existing 3500 square feet building and replace it with a two-story 4400 square foot replacement clubhouse. The beach cabana (a.k.a. changing rooms) would be removed. Parking would be more defined with a total of 36 spots. Club membership is not being increased at this time. Currently the club has about 391 memberships. Most are family memberships that allow children up to the age of 35 to participate and 50-100 are single members.

The Martha's Vineyard Commission approved the project with the following conditions: The memberships of the Vineyard Haven Yacht Club shall not exceed 425 memberships. The Vineyard Haven Yacht Club shall make bus passes available to all employees. Members shall be strongly encouraged to carpool, walk, bike, and take public transportation to the club. The Club agrees to participate, if invited, in any municipal or County discussions concerning any of the following: (a) traffic flow at Owen Little Way; (b) parking within the right of way at Owen Little Way or any publicly owned property adjacent thereto; and (c) public use of the beach and waterfront on the end of Owen Little Way. The Club agrees to consider any municipal proposal to manage traffic flow, parking, or public use of the beach and waterfront at Owen Little Way. In the event that such proposal requires the Club's participation to be effective, the Club agrees to cooperate provided the Club determines that use and enjoyment by its members of the Club's property and facilities, and the purpose of the Club, are not impaired by such proposal. In making such determination, the Club

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may consider such matters, by way of example and not limitation, as access to and use of its property; the proposal's effect on parking and traffic flow within the Club's property; the financial cost; and unreasonable infringement on rights of the Club and its members. The Club will meet a deadline of October 15, 2007 for the appropriate Town Board/Committees to initiate a planning meeting with a goal to implement a plan by Memorial Day Weekend, 2008. Normal hours of operation are 8:00AM to 8:30 PM daily. A final landscape plan shall be submitted for the review and approval of the LUPC. The landscaping plan shall be developed with consultation with the abutters and should address some of the abutter's requests regarding screening

All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping. A final lighting plan shall be submitted for the review of and is subject to the approval of the LUPC. All exterior lighting shall be downward shielded to prevent direct light from spilling off the property. The Vineyard Haven Yacht Club shall not make itself available for private parties that are not by members of the club. There shall be no more than five (5) events, such as weddings and private parties for members of the club in the off season. The Applicant shall donate \$2,440 to an affordable housing agency designated by the Martha's Vineyard Commission. Every effort will be made to make the building as energy efficient as possible.

**DRI 593      18 State Road      Approved with Conditions      June 7, 2007**

This project was a proposal to construct a 2,200 gross square foot mixed-use building (900 square foot footprint) with one office (four rooms), a studio apartment and storage on a property with an existing two-unit commercial building. There is also a new shed planned for the back of the property. The Wampanoag THPO requested an archaeological study by a licensed archeologist be done which was complied with. A small studio apartment on the top floor is intended for the owner when he is on the island. The basement is proposed for storage for the new office, the existing gallery, and the existing documentary film office.

The Martha's Vineyard Commission approved the project with the following conditions: The applicant will connect all structures to the Tisbury Wastewater Treatment Plant. The applicant will grant a dormant easement to abutting properties if the Town of Tisbury or Martha's Vineyard Commission requests access to or through this property. The Applicant will create minimal disturbance of the archaeological site in compliance and coordination with the Historical Department of the Wampanoag Tribe. The Applicant shall do everything within his power to protect the archeological resources on the property and will give both the Wampanoag Tribe of Aquinnah and the MVC written notice at least one week in advance when any work is done on the site that might affect the archeological resources on the site and will carry out the work under the archeological supervision of a representative of the Tribe (provided the Tribe sends a representative). The Applicant will ensure that no unauthorized digging of the property will take place. There will be minimal disturbance of the natural grade and vegetation with no tree removal. The applicant will plant appropriate landscape planting to blend with existing vegetation to include cedar trees, bamboo, shrubs and flowering plants such as peonies, tiger lilies, and begonias. A final landscaping plan shall be submitted for the review and approval of the LUPC. All landscaping plants should be native except that ornamental plants will be allowed directly next to building. All exterior lighting shall be downward shielded to prevent direct light from spilling off the property. The Applicant shall build conduits for future renewable energy into the new structure. The building shall be designed so that it exceeds the Massachusetts Building Energy Code requirements by at least 30%. The building will be A.D.A. accessible. The applicant will donate \$1,100 to an Island affordable housing organization to satisfy the MVC Affordable Housing Policy. Prior to any work on site a station barrier shall be installed. Parking and driveway areas shall be composed of a pervious material. All runoff shall be contained on site. The exterior siding shall be wood. The trim may be wood, or painted artificial materials that look natural.

**DRI 485-M3 Daily Grind****Remanded****July 5, 2007**

On July 5, 2007 the Martha's Vineyard Commission voted that the proposal to expand the Daily Grind from a bakery, coffee bar, and sandwich deli to a restaurant that also serves dinner at night is not a substantial change to DRI 485 M-2. The Applicant, Sam Dunn, plans to convert the existing commercial building to a full service restaurant with exterior modifications to the property that would include a new addition of approximately 500 square feet in the back and some landscaping.

**DRI 525-M Dunkin Donuts****Withdrawn****August 2, 2007**

This project was a proposal to replace "Wrap and Roll" (825 square feet) with a Dunkin' Donuts franchise. The other businesses would remain the same. The proposal would not increase square footage though it would rearrange the interior space of the sandwich shop. There would be no seating and most of the product would be prepared off-island and delivered twice a day. The proposal was withdrawn.

**DRI 321-M2 Cronig's****Approved W/Cond.****August 23, 2007**

This project was a proposal to add on to back of Cronig's in Tisbury, close-in the overhang in front, and remodel the interior. The existing footprint of the supermarket is 21,152 sf and would become 22,517 sf. The existing sales floor is 13,400 sf and would become 16,140 sf. Mr. Bernier said that he would add several trees to the existing planting beds.

The Martha's Vineyard Commission approved the project with the following conditions: A landscaping plan shall be submitted in writing, consistent with the oral presentation at the public hearing, for review and approval by LUPC before issuance of a building permit. The Applicant shall design the front of the building to allow for future installation of solar panels. The Applicant shall install a denitrifying system to treat all the wastewater from the property. All exterior lighting shall be downward shielded. Any security lighting shall be motion sensitive. Building and landscaping lighting shall be on timers to ensure that they are turned off during the day as well as turned off during the night when the stores are closed. The Commission also added a Note about Future Development acknowledging the Applicants interest in the future of possibly adding affordable housing to the second floor. While housing is not part of this application, the amount of reduction in nitrogen loading taking place at this time may be considered in the future if and when affordable housing is proposed.

**DRI 588****Medicine Shoppe****Remanded****September 6, 2007**

On Thursday September 6, 2007 the Martha's Vineyard Commission decided that the proposal by the Perzanowski's to locate the Medicine Shoppe pharmacy in a building at 117 Beach Road does not require a public hearing review as a Development of Regional Impact. The building and property was remanded to the Town by the MVC in 2006 based upon specific parameters that this proposal would modify. The commissioners voted that the proposed modifications are not significant enough to warrant a public hearing and voted not to concur with the referral. The current owners have been unable to implement the required landscaping and this proposal should help to fully utilize the property and install the landscaping and screening.

**DRI 253-M2 Island Pizza****Remanded****September 6, 2007**

On Thursday September 6, 2007 the Martha's Vineyard Commission decided that the proposal to expand an existing pizza shop (Island Pizza) into a family style Italian restaurant does not require a public hearing review as a Development of Regional Impact. The owner hopes to be granted a similar approval to an existing Special Permit that allows a sixty seat full restaurant. The current proposal is very similar to the project that the MVC remanded to DRI Annual Report 2007

the Town in 1997. The only change being that the interior space would seat 35 instead of 20, the main level deck would seat 25 instead of 20, and the roof would not have service. The commissioners voted that the proposed modifications are not significant enough to warrant a public hearing and voted not to concur with the referral.

**DRI 582      Vineyard House      Extension Granted      November 1, 2007**

On Thursday November 1, 2007 the Martha's Vineyard Commission voted to extend the "sunset clause" by two years for DRI # 582, the Vineyard House (A subdivision of Map 22 Lot 6 with 4.43 acres). This allows the owners of the building until November 1, 2009 to begin substantial work on the proposed project.

**DRI 560-M      Bridge Housing      Modification Approved      December 6, 2007**

On Thursday December 6, 2007, the Martha's Vineyard Commission voted that the changes to Bridge Housing, that are the result of a legal settlement, are not substantial enough to require a public hearing for further review as a Development of Regional Impact. The changes are essentially less units and a different site plan layout. The original project was approved by the MVC in June 2003 with 15 duplexes with a total of 30 units of housing for low and moderate income families. The project has been in litigation since the ZBA approved the project in 2004. The settlement proposal is for 13 buildings (9 duplexes and 4 single family detached) with 22 units and 49 bedrooms of affordable housing on 8.7 of 14.85 acres in Tisbury off of State Road. The applicant will have a conservation restriction placed on the other 6.1 acres. Based upon a presentation of the plan the Commission voted to approve the changes as presented, but are requiring the applicant to submit a more specific landscape plan to be reviewed and approved by the LUPC which shall include their plans for staging with the intention of minimizing the amount of trees that are cut during construction.

**DRI 608      Havenside Apartments      Approved with Conditions      December 13, 2007**

This project was a proposal to renovate Building C's basement to create a studio apartment and office/meeting room and relocate the common laundry facilities and storage spaces. The building footprint would be increased by 77 square feet. There would also be a new exterior concrete stair for egress from the Building A basement.

The Martha's Vineyard Commission approved the project with the following conditions: All downspouts from the gutters on Building C will be tied into drywells in order to reduce storm water runoff from running down the hill. All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping. All exterior lighting shall be downward shielded to prevent direct light from spilling off the property.

**DRI 566-M      M.V. Electric/Corner      Currently Under Review**

This project is a proposal to subdivide one 22,680 square foot lot into two 11,340 square foot lots and construct a two-story 4,256 square foot building for the shop and office of Cornerstone Builders with a two-bedroom apartment. This proposal is a smaller building than was approved by the MVC in 2003 but the previous proposal was never built and the approval has expired.

**MVC - DEVELOPMENTS OF REGIONAL IMPACT – WEST TISBURY 2007**

**DRI 549-M      Hart Plumbing      Approved With Conditions      March 8, 2007**

This project was a proposal to change the use of an approved but not yet built building from office to a combination of plumbing business and hardware store with two second floor apartments (one to be permanently deed restricted to be affordable).

The Martha's Vineyard Commission approved the project with the following conditions: Before a Certificate of Occupancy is issued; the applicant will provide the MVC with evidence that the de-nitrification system (Bioclere) has a service contract that ensures it is going to be maintained for the life of the system. Before a Certificate of Occupancy is issued, the applicant must submit a stormwater control, and an erosion and sedimentation control plan, to address the potential for erosion of the bank along the eastern property line causing siltation into the abutting drainage lot in the event of large storm events. The plan shall be intended to keep all stormwater on the property. This plan is subject to the approval of the MVC Land Use Planning Committee. The effluent from the BioClere Wastewater Treatment System shall be tested on a quarterly basis for at least two years and continuing as determined by the West Tisbury Board of Health. Results of this testing will be given to the West Tisbury Board of Health and to the MVC. Analysis for total nitrogen as well as other parameters shall be performed on all samples as required by the Board of Health or the Massachusetts Department of Environmental Protection. Inspection and maintenance shall be as described in Table 5 of the MVC Water DRI Policy. The service drive to the basement will be used only for delivery trucks no larger than 24-foot no more than twice a week, and for company trucks. There shall be a dormant easement on the property connecting to an abutting easement that runs from Indian Hill Road to State Road. If the Town of West Tisbury decides it wants to connect this property to other lots or easements, the applicant (owner of Map 16 Lot 82) will grant said easement. The dormant easement may be exercised by the Town of West Tisbury, with the provision that at the time of consideration, the West Tisbury Planning Board may consider whether the existing access to Indian Hill Road should be discontinued in favor of a single access to State Road. One of the apartments will be permanently deed-restricted to be affordable in accordance with the West Tisbury bylaw. There will be a vegetative buffer and/or screen along Indian Hill Road, as well as a fence and/or vegetative buffer to accommodate the privacy of the abutters to the west, south and east sides.

All fertilizers will be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping. All remaining mature trees shall be retained except those in the roadway. If there is a stockade fence, it shall be set back from Indian Hill Road and, where possible, a vegetative buffer would be preferred. The roadways and parking areas shall be designed according to town specifications with a minimum of 5' buffer along the southern property line. The four parking spaces on the west side of the lot (P8 to P11) will not be created in the first phase, will only be created and used if the other 14 spaces are not adequate, and if created, shall not be paved. The final landscaping plan is to be submitted to and is subject to the approval of the MVC Land Use and Planning Committee. The abutters shall be consulted in the preparation of this plan. The project will utilize fluorescent lights and Energy Star appliances. Outdoor lighting will be downward shielded and turned off when the retail business is closed. The exterior lighting shall be submitted and is subject to the approval of the MVC. The project shall be A.D.A. compliant. The only vehicular access to the basement is via a ramp to the rear. A 10-foot vegetative buffer shall be maintained along 90% of the perimeter of the property

**DRI 34-M A. Fischer**

**Approved with Conditions**

**May 17, 2007**

This project was a proposal to subdivide one 12.9 acre parcel off of the main 110 acre piece. The Martha's Vineyard Commission approved the project with the following conditions: The future sub-surface leaching area must be setback a minimum of 300 feet from the shoreline of Tisbury Great Pond. The future septic design plan must incorporate an advanced treatment system, such as "Bioclere". The number of bedrooms allowed on the site shall not exceed 12. The maximum number of new structures allowed is three (excluding a pool and a tennis court). The maximum footprint of all structures on the site shall not exceed 10,000 square feet (including dwellings, garage, pool, tennis court, shed, etc. but excluding decks and patios). No asphalt paving is allowed. There will be no hippie communes allowed. The area outside the "Building Envelope" will be maintained in perpetuity as hay field/pasture

land. However, the future sub-surface leaching area and well may be placed outside the "Building Envelope" if deemed necessary to meet the various Town and State regulations. A path to the Pond will also be allowed subject to approval of the Grantors and the West Tisbury Conservation Commission. (Modified by conditions 2.7, 2.8, 4.3 and 4.4) All new structures, including any pool and or tennis court, shall be located in a Building Envelope no closer than 150 feet from Short Cove, and no closer than 700 feet from Tisbury Great Pond (as shown on the plan). All landscaping and alteration of the land must other than the entrance road and infrastructure connections shall be within a development envelope no closer than 100 feet from Short Cove and no closer than 700 feet from the Tisbury Great Pond. The lot cannot be further subdivided to create additional building lots. All proposed landscaping will be native materials. Any landscaping around the house within the building envelope shall be submitted to and is subject to the approval of the LUPC, and should be designed to soften the view from the water and minimize the visual impact of the buildings and structures. The presently mowed area shall be kept in hayfield/pasture except those areas outside the presently mowed area, including but not limited to the wooded area and wetland area, shall remain in their natural vegetative state. Outside the development envelope, any fencing shall be in keeping with the style of a common type of agricultural fencing. All fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping. Exterior lighting shall be designed to be in keeping with the general philosophy of minimizing the impact on the surroundings. There shall be no permanent dock on Short Cove or Tisbury Great Pond; only a temporary floating dock will be allowed.

**DRI 598      Ferry Tennis      Approved with Conditions      July 5, 2007**

This project was a proposal to construct an outdoor tennis court, an indoor racquetball court, a pro shop, and two offices on 21 Amos Lane. The applicant also owns the abutting property, Map 16 Lot 80 (497 State Road 0.69 acres), which provides the access and will share septic. Hours of operation for racquetball would be 7:00 am to 9:00 pm. One office would be for Mr. Ferry and the other would be a non-high traffic generating use. There will be a pro-shop in the Racquetball/office building.

The Martha's Vineyard Commission approved the project with the following conditions: A final landscape plan including retaining walls to control runoff, an underground drainage system for gutters, court drainage, and screening for the two private residents will be submitted to the MVC and the West Tisbury Planning Board before construction begins. The owner proposes to plant at least one tree for every tree removed for construction. A final landscaping plan will be submitted to the LUPC for review and approval. Landscape lighting will be installed as shown on plan and will be downward-shielded lighting with energy efficient light bulbs for walkways and the parking area. There will be no lighting installed on tennis court for night playing, only motion-sensitive security lighting. The fence around the tennis court is to be locked to keep people from entering after hours of operation. Both units on the front lot are currently rented at very affordable rates; however, should either unit become available the Applicant will notify the affordable housing of Martha's Vineyard. All waste is to be removed on a regular basis as needed and recycling will be strongly encouraged with bins readily available. All wastewater systems are new and were done by John Keene Excavation as specified by the W.T. Board of Health and designed by Kent Healy. The dog grooming tight tank is to be alarmed and pumped regularly and disposed at the wastewater treatment plant. A deed restriction has been put in place to restrict the amount of wastewater to 220 gallons per day on the back lot and 440 gallons per day on the front lot. Both building will have water meters on them to regulate wastewater production as requested by the Board of Health and records will be kept for their review as needed. The driveway will be white shells with the exception of a paved apron off of State Road for safety reasons. Open space will be greater than 50%. The Applicant will explore all options for heating/cooling, including geothermal and solar, as to minimize the impact on the environment. Hours of operation will be 7 am to 9 pm for indoor activity and only as permitted by natural light on the tennis court. All mechanicals will

be underground or in the basement to shield the neighbors from noise and will be serviced on a regular basis to ensure smooth operation.

An architect will do a final set of drawings upon approval of the project to be submitted to the West Tisbury Planning Board to show all exterior details such as cedar siding and trim to ensure that the building will fit into West Tisbury's standards. The Applicant will encourage any input from neighbors as to screening and lighting. The tennis court will not be rented out for non-recreation functions. There will be no more than three charity events during the season and any event with more than 25 people will offer jitney service for parking. There will be no outdoor amplified music after 9 pm. Should the Applicant substantially alter the use of the premises from the proposed use, as determined by the Town's permitting authorities, it will return to the MVC for review and approval. The Applicant will offer discounted and/or free use to the MV Charter School, YMCA of Martha's Vineyard, and other children's schools or groups as is financially feasible. There shall be a dormant easement on the property connecting to abutting properties. If the Town of West Tisbury decides it wants to connect this property to other lots or easements, the applicant (owner of Map 16 Lot 71.1 and/or Map 16 Lot 80) will grant said easement.

**DRI 488      Rutkiewicz      Approved Settlement      September 6, 2007**

This project was a proposal to subdivide 13.1 acres into 4 lots allowing for 4 houses. Mr. Rutkiewicz proposed a 5-lot subdivision with 4 guesthouses in 1997. The proposal has been involved in a lawsuit against the West Tisbury Planning Board and the Martha's Vineyard Commission ever since. The lawsuit questioned whether the project should have been referred to the Commission. In 2005 a judge mandated the applicant to try and settle the case by going through the DRI Process. The lawsuit was temporarily in suspension while Mr. Rutkiewicz went through the DRI process. Mr. Rutkiewicz was going through the process when he unfortunately passed away later that summer. In 2007 the lawyers for the Applicant, the Town of West Tisbury, and the Martha's Vineyard Commission reached a Settlement that there will be no further subdivision of the 4 lots shown on the Subdivision Plan and that no guest houses are to be built in addition to the principal residence on each lot. The original proposal was for 5 lots on 16.1 acres. In the meantime one 3-acre lot has been carved off as a Form A subdivision and a house has been built upon it.

The Martha's Vineyard Commission approved the project with the following conditions: As offered by the Applicant, there shall be no guest houses on the four lots. As offered by the Applicant, if and when development is proposed on any of the lots the proposed development, the Applicant shall file the appropriate notice with the Natural Heritage and Endangered Species Program. As offered by the Applicant, this DRI Decision is based upon the settlement agreement between the parties embodied in the "Nisi Order" issued by the Land Court (Scheier, C.J.) on May 31, 2007 in Misc. Case No. 258849 entitled Rutkiewicz v. Planning Board of West Tisbury and Martha's Vineyard Commission. An express condition of the approval being effective is that the restriction of no further subdivision and no guest houses, in the form of the Covenant attached to this Decision, is executed, acknowledged and filed in the Registry.

## **MVC - DEVELOPMENTS OF REGIONAL IMPACT - 2007**

1.	309-M	Balance	Ob	Non-Concurrence	January 11, 2007
2.	578	DCSB	Tis	Extension	February 1, 2007
3.	550-M	Mansion House	Tis	Remanded	February 15, 2007
4.	549-M	Hart Plumbing	WT	Approved With Conditions	March 8, 2007
5.	601	Karakul/Cannada	Edg	Approved with Conditions	April 5, 2007
6.	34-M	A. Fischer	WT	Approved with Conditions	May 17, 2007
7.	324-M	Hospital	OB	LUPC –landscaping and arch	May 31, 2007
8.	551-M3	B.A.D.D.	Edg	Modification	May 31, 2007
9.	602	VHYC	Tis	Approved with Conditions	June 7, 2007
10.	593	18 State Road	Tis	Approved with Conditions	June 7, 2007
11.	597	Middle Line	Chil	Approved with Conditions	July 5, 2007
12.	598	Ferry Tennis	WT	Approved with Conditions	July 5, 2007
13.	604	44 N. Water St	Edg	Approved with Conditions	July 5, 2007
14.	485-M3	Daily Grind	Tis	Remanded	July 5, 2007
15.	296-M3	Swan Neck	Edg	Modification Approved	July 18, 2007
16.	525-M	Dunkin Donuts	Tis	Withdrawn	August 2, 2007
17.	321-M2	Cronig's	Tis	Approved with Conditions	August 23, 2007
18.	600	YMCA	OB	Approved with Conditions	September 6, 2007
19.	488	Rutkiewicz	WT	Approved Settlement	September 6, 2007
20.	588	Medicine Shoppe	Tis	Remanded	September 6, 2007
21.	253-M2	Island Pizza	Tis	Remanded	September 6, 2007
22.	198-M	Murphy/Land Bank	Chil	Remanded	September 6, 2007
23.	577-M	Morgan Wood	Edg	Modifications Approved	November 1, 2007
24.	582	Vineyard House	Tis	Extension Granted	November 1, 2007
25.	560-M	Bridge Housing	Tis	Modification Approved	December 6, 2007
26.	606	Wampanoag Ctr	Aq	Approved with Conditions	December 13, 2007
27.	608	Havenside	Tis	Approved with Conditions	December 13, 2007
28.	596	Oyster Bar	OB		
29.	485-M5	Vineyard Golf	Edg		
30.	566-M	M.V. Elec/Corner	Tis		
31.	603	Nova Vida	OB		
32.	605	Veira Park Baseball	OB		
33.	607	Moujabber Addition	OB		
34.	610	Church of JC of LDS	OB		